

LEGISLATIVE PRIORITIES
FOR THE COMMISSION

1989



CALIFORNIA POSTSECONDARY
EDUCATION COMMISSION



Summary

The Commission has agreed on the following seven priorities for initiative with the Legislature during the first year of the 1989-90 legislative session

	Page
1 Improving State oversight of private postsecondary education	1
2 Meeting California's adult education needs	2
3 Promoting educational equity	3
4 Ensuring equitable and predictable student fees	4
5 Responding to the new instructional technologies	5
6 Developing State policy for adjusting maximum Cal Grant awards	6
7 Revising the "Gann Limit" on State spending	6

The priorities are based on existing Commission policy, and the recommended actions involve working with the Legislature either to amend existing legislation or to initiate new legislative proposals

The Commission adopted this report at its meeting on January 23, 1989, on recommendation of its Administration and Liaison Committee. Additional copies of the report may be obtained from the Library of the Commission at (916) 322-8031. Questions about the substance of the report may be directed to Bruce Hamlett of the Commission staff at (916) 322-8010.

LEGISLATIVE PRIORITIES FOR THE COMMISSION, 1989

*A Report of the California
Postsecondary Education Commission*

CALIFORNIA POSTSECONDARY EDUCATION COMMISSION
Third Floor • 1020 Twelfth Street • Sacramento, California 95814-3985





**COMMISSION REPORT 89-1
PUBLISHED JANUARY 1989**

This report, like other publications of the California Postsecondary Education Commission, is not copyrighted. It may be reproduced in the public interest, but proper attribution to Report 89-1 of the California Postsecondary Education Commission is requested.

Contents

1.	Improving State Oversight of Private Postsecondary Education	1
2.	Meeting California's Adult Education Needs	2
3.	Promoting Educational Equity	3
4.	Ensuring Equitable and Predictable Student Fees	4
5.	Responding to New Instructional Technologies	5
6.	Developing State Policy for Adjusting Maximum Cal Grant Awards	6
7.	Revising the "Gann Limit" on Spending	6
	References	7

Legislative Priorities for the Commission, 1989

BASED on its current policies and recommendations, the California Postsecondary Education Commission is planning a number of legislative initiatives during the first half of the 1988-89 legislative session. Among its highest priorities are the following seven:

1. Improving State oversight of private postsecondary education

The issue The non-public sector of postsecondary education in California, with more than 350 degree-granting colleges and universities and 1,800 non-degree granting vocational institutions, is by far the largest of any state in the country. It is second to only the California Community Colleges in the number of students it enrolls annually. Despite its size, however, relatively limited State resources are devoted to the task of maintaining and promoting its quality.

Statutory changes have been made almost annually in the oversight provisions for private postsecondary education during the past decade, producing an extremely complex set of provisions and procedures for the licensure of private institutions seeking to award degrees or diplomas. Yet while the minimum standards for private non-accredited institutions have definitely been strengthened, California continues to have a reputation as a haven for private institutions that award easy degrees.

The Commission is directed by legislation enacted in 1984 to review and evaluate the effectiveness of existing law and the implementation of this law by the State Department of Education in "protecting the integrity of degrees and diplomas issued by private postsecondary educational institutions." A draft of this review and evaluation will be discussed by the Commission in May 1989.

The Commission has also been directed by the Legislature to (1) review the operations of accrediting associations that operate in California and accredit

private postsecondary institutions, and (2) present recommendations about whether the State should assume any or all of the responsibilities currently delegated to these non-governmental associations. This report will be discussed by the Commission in February 1989.

The entire Private Postsecondary Education Act of 1977, as amended, is scheduled to become inoperative on June 30, 1991, and repealed on January 1, 1992. The Commission's two reports will provide the foundation for legislation to either retain or revise the existing oversight provisions for private institutions operating in California.

Concerning the State's role in promoting quality in private postsecondary education, the Commission concluded in its 1984 report, *Public Policy, Accreditation, and State Approval*, that the State

should maintain a strong, rigorous process for the qualitative review of educational institutions. This State process should be sufficiently thorough as to assure the public in general, as well as other state agencies, that state recognition does identify institutions with educational programs that meet minimum quality standards. These responsibilities for quality review should not be delegated by the State to non-governmental accrediting agencies. Accreditation provides an additional set of standards and a peer review process that institutions can voluntarily choose in developing levels of academic quality that are above and beyond the State's basic responsibilities for the licensure of postsecondary institutions. The maintenance of a strong state review process neither lessens the critical importance of accreditation nor moves the State into the role of an accreditation agency. Moreover, it does not imply that accreditation and State approval are equivalent (p. 1).

Several basic principles for State policy in the licensure of independent and private institutions are inherent in that Commission policy.

to meet current and future priorities. In responding to this directive, the Commission published *Meeting California's Adult Education Needs* in October 1988, in which it presented the following conclusions:

- California lags behind the rest of the nation in providing adult education to its citizens, and yet by any demographic indicator its population has equal, if not greater, need for literacy, vocational education, and other programs provided by adult and non-credit education. At this time, access is limited by growth limitations and funded below current service levels in much of the State.
- Some regions of the State are not served by any adult or non-credit education provider since only those districts with programs in existence before 1978 are authorized to offer courses -- even if local growth and circumstances warrant such activity. Eighteen school districts that lacked adult education programs in 1978 have requested authority to begin such programs, but legislative attempts to address the problem have failed. These districts are located in 14 counties, most of them small, rural, and with limited alternative education providers to offset the lack of adult education opportunities.
- Community colleges are constrained from entering more widely into the adult and non-credit education arena by the statutory stipulation that adult education courses are the primary responsibility of the adult schools. Except for courses offered at the thirteenth and fourteenth grade levels, community college governing boards must negotiate "delineation of function" agreements with local school district boards in order to provide State-subsidized courses for adults not seeking a degree or certificate.
- Eligible legalized aliens under the provisions of the federal Immigration Reform and Control Act have an urgent need for English instruction, which requires immediate action by the Governor and Legislature. Approximately 800,000 to one million eligible legalized aliens in California who are working to become permanent residents have only two and one-half years to show language proficiency and basic citizenship skills in order to avoid deportation. Federal funds to expand classes in citizenship and English as a second language for these purposes are available, but their uti-

lization is restricted because of the State-imposed caps on adult education.

The Commission therefore recommended that:

1. The cap on funds for basic skills should be removed in order to allow classes to expand to meet the current urgent needs.
2. The prohibition against the starting of adult education programs by communities that lacked such programs in 1978 should be removed, and
3. The State Superintendent of Public Instruction and the Chancellor of the California Community Colleges should establish a task force to jointly prepare and submit a five-year plan for California adult education.

In response to the urgent need to provide educational services to eligible legalized aliens under the provisions of the Immigration Reform and Control Act, the Commission was directed by the 1988 Budget Act to assess the adequacy of the educational programs and present recommendations for future educational funding. The Commission has contracted with California Tomorrow to complete its project. A preliminary report will be submitted to the Legislature prior to January 1, 1989, with a final report to be transmitted prior to March 15, 1989.

Recommendation: Commission staff should seek legislative action to implement the Commission's proposals to permit funding for English as a Second Language (ESL) and Basic Skills to be provided on an on-demand basis and to remove the prohibition against the offering of adult education by communities that now cannot do so. In addition, the Commission staff will seek immediate legislative action to implement recommendations for any needed changes in the administration, provision, and funding of educational programs for eligible legalized aliens under the provisions of IRCA, as proposed by California Tomorrow and endorsed by the Commission.

3. Promoting educational equity

The issue The Commission's 1988-89 workplan assigns a high priority to activities designed to expand

to implement the consensus recommendations of the Student Fee Policy Committee to extend the existing policy. Commission staff should also work with legislators and the Governor's staff to develop and implement proposals to implement recommendations on non-resident student tuition policy.

5. Responding to new instructional technologies

The issue New instructional technologies ranging from computers and video discs to cable networks and a nationwide satellite relay system provide California excellent opportunities to accomplish important long-range educational objectives efficiently. These opportunities include

- The development and implementation of major curricular improvements at many public colleges and universities at a relatively reasonable cost -- for example, increasing the availability of foreign language instruction throughout the State by the transmission of existing courses to those campuses that currently do not have the capacity to offer them
- Meeting the challenges of changing demographics in the student population, including the need for remediation, greater English literacy, and preparedness for postsecondary education
- Expanded access to higher education for individuals who currently do not participate because of geographical isolation or language barriers
- Expanded involvement in higher education for individuals with physical or learning disabilities through the use of adaptive technology that, for example, allows students with poor visual processing to hear what has been written
- Increased offerings of high-demand academic programs, such as computer science and engineering, on more educational sites throughout the State in a relatively cost-effective manner
- The development and implementation of an expanded and enriched high school curriculum utilizing faculty members of various colleges and universities -- particularly for advanced mathema-

tics, science, and language courses that many high schools do not have the resources to offer

The Educational Technology Committee, established in 1983 as an advisory body to the State Department of Education and the Superintendent of Public Instruction on the appropriate uses of the new technologies, is scheduled to sunset on June 30 1989. It is anticipated that the Legislature will consider several proposals in 1989 to either continue or revise this committee as well as to establish pilot projects to expand the uses of the new technologies in education.

Commission staff is currently engaged in two projects that relate directly to this issue and the anticipated legislative proposals

- The first will seek to develop proposals to expand the integration of computer-assisted instruction and research into public school, college, and university operations. The primary objective is to integrate the existing and proposed inter-institutional computer networks into a comprehensive statewide network which can be accessed by all educational institutions for teaching and research purposes
- The second is designed to develop a comprehensive statewide plan to achieve three objectives
 - 1 Maximum creative use of the new technologies by all segments of the education community,
 - 2 Efficient use of financial resources in the acquisition and maintenance of telecommunications equipment, and
 - 3 Maximum use of the new instructional technologies to accomplish efficiently important long-range educational objectives

Both projects are scheduled for Commission review prior to July 1989

Recommendation: Commission staff should work with legislators and the Governor's staff to develop and implement proposals to achieve these objectives and expand the uses of the new technologies to accomplish important educational objectives efficiently and effectively.

applicable to the actual profile -- and needs -- of the State's populace

- 3 The Gann Limit is incomplete in excluding substantial assessments and expenditures by State and local governments that are not defined as "tax proceeds," even though they are used for identical purposes as tax revenues. These areas of spending not contained in Article XIII B include

- Special assessment districts with tax rates lower than $12\frac{1}{2}$ cents per \$100 of assessed valuation,
- Tax-like benefit assessments (commonly known as "user fees") such as those used to finance increased fire protection, flood control, sewage and other infrastructure, street lighting, and landscaping, and
- Capital outlay spending from bond income, user fees, tidelands oil revenues, and federal subventions

Many localities initiated user fees to fund increased demands for public services after Proposition 13's passage made it more difficult to raise taxes. There is little analytical or practical justification for most of these fees to be outside of local appropriations limits because they function exactly like taxes in most instances. In addition, the establishment of special districts to levy assessments as a way around the Gann Limit has grown rapidly since the implementation of tax and appropriations limits in the late 1970s. The use of benefit assessments by localities has increased more than 500 percent since 1978, and the vast majority of agencies imposing these fees do not count them as taxes subject to the Gann Limit. The expansion of user fees and special district assessments appears to be a direct result of the imposition of the Gann Limit's restrictions on increases in more traditional types of taxes.

Regardless of the treatment of "non-tax" fees and assessments, a strong case can be made for continuing the exemption of capital outlay expenditures from an appropriations limit due to their complexity, purposes, and mostly one-time nature. Building state highways, a large metropolitan sewage system, or a major University entails the expenditure of additional billions of dollars in one or two years. Spending these sums of money would throw appropriations well ahead of virtually any spending limi-

tation for this short period of time, and would be prohibitive to plan into an "appropriations limited" budget because they would necessitate a major reduction in expenditures for other services funded in that budget. Capital projects are an important part of maintaining the State, and neither in its development nor its implementation did the framers of Article XIII B express intent to limit public funding for these projects.

The Postsecondary Education Commission has previously expressed concern about the availability of the resources necessary to finance the projected enrollment growth in postsecondary institutions during the next 20 years. Even before the passage of Proposition 98, it was clear that the Gann Limit would constrain the resources needed to sustain quality in postsecondary education. The best available estimates of resource growth in California suggest that enrollments in postsecondary education will be growing at a slightly faster rate than the State's population and therefore at a faster rate than the growth in State appropriations permitted under the Gann Limit.

Recommendation: Commission staff should actively participate in legislative discussions designed to develop proposals to modify the existing Gann Limit on State appropriations.

References

- California Postsecondary Education Commission
The Role of the State in Private Postsecondary Education Recommendations for Change Commission Report 76-7 Sacramento The Commission, July 1976
- *Public Policy, Accreditation, and State Approval in California State Reliance on Non-Governmental Accrediting Agencies and on State Recognition of Postsecondary Institutions to Serve the Public Interest* Commission Report 84-28 Sacramento The Commission, July 1984
- *Meeting California's Adult Education Needs Recommendation to the Legislature in Response to Sup-*

CALIFORNIA POSTSECONDARY EDUCATION COMMISSION

THE California Postsecondary Education Commission is a citizen board established in 1974 by the Legislature and Governor to coordinate the efforts of California's colleges and universities and to provide independent, non-partisan policy analysis and recommendations to the Governor and Legislature

Members of the Commission

The Commission consists of 15 members. Nine represent the general public, with three each appointed for six-year terms by the Governor, the Senate Rules Committee, and the Speaker of the Assembly. The other six represent the major segments of postsecondary education in California.

As of April 1989, the Commissioners representing the general public are

Mim Andelson, Los Angeles,
C. Thomas Dean, Long Beach,
Henry Der, San Francisco,
Seymour M. Farber, M.D., San Francisco,
Helen Z. Hansen, Long Beach,
Lowell J. Paige, El Macero, *Vice Chair*,
Cruz Reynoso, Los Angeles,
Sharon N. Skog, Palo Alto, *Chair*, and
Stephen P. Teale, M.D., Modesto

Representatives of the segments are

Yori Wada, San Francisco, appointed by the Regents of the University of California,

Claudia H. Hampton, Los Angeles, appointed by the Trustees of the California State University,

John F. Parkhurst, Folsom, appointed by the Board of Governors of the California Community Colleges,

Harry Wugalter, Thousand Oaks, appointed by the Council for Private Postsecondary Educational Institutions,

Francis Laufenberg, Orange, appointed by the California State Board of Education, and

James B. Jamieson, San Luis Obispo, appointed by the Governor from nominees proposed by California's independent colleges and universities

Functions of the Commission

The Commission is charged by the Legislature and Governor to "assure the effective utilization of public postsecondary education resources, thereby eliminating waste and unnecessary duplication, and to promote diversity, innovation, and responsiveness to student and societal needs."

To this end, the Commission conducts independent reviews of matters affecting the 2,600 institutions of postsecondary education in California, including community colleges, four-year colleges, universities, and professional and occupational schools.

As an advisory planning and coordinating body, the Commission does not administer or govern any institutions, nor does it approve, authorize, or accredit any of them. Instead, it cooperates with other State agencies and non-governmental groups that perform these functions, while operating as an independent board with its own staff and its own specific duties of evaluation, coordination, and planning.

Operation of the Commission

The Commission holds regular meetings throughout the year at which it debates and takes action on staff studies and takes positions on proposed legislation affecting education beyond the high school in California. By law, the Commission's meetings are open to the public. Requests to speak at a meeting may be made by writing the Commission in advance or by submitting a request prior to the start of the meeting.

The Commission's day-to-day work is carried out by its staff in Sacramento, under the guidance of its executive director, Kenneth B. O'Brien, who is appointed by the Commission.

The Commission publishes and distributes without charge some 40 to 50 reports each year on major issues confronting California postsecondary education. Recent reports are listed on the back cover.

Further information about the Commission, its meetings, its staff, and its publications may be obtained from the Commission offices at 1020 Twelfth Street, Third Floor, Sacramento, CA 95814-3985, telephone (916) 445-7933.

LEGISLATIVE PRIORITIES FOR THE COMMISSION, 1989

California Postsecondary Education Commission Report 89-1

ONE of a series of reports published by the Commission as part of its planning and coordinating responsibilities. Additional copies may be obtained without charge from the Publications Office, California Postsecondary Education Commission, Third Floor, 1020 Twelfth Street, Sacramento, California 95814-3985

Recent reports of the Commission include

88-32 A Comprehensive Student Information System, by John G. Harrison. A Report Prepared for the California Postsecondary Education Commission by the Wyndgate Group, Ltd. (September 1988)

88-33 Appropriations in the 1988-89 State Budget for the Public Segments of Higher Education. A Staff Report to the California Postsecondary Education Commission (September 1988)

88-34 Legislation Affecting Higher Education Enacted During the 1987-88 Session. A Staff Report to the California Postsecondary Education Commission (October 1988)

88-35 Meeting California's Adult Education Needs. Recommendations to the Legislature in Response to Supplemental Language in the 1988 Budget Act (October 1988)

88-36 Implementing a Comprehensive Student Information System in California. A Recommended Plan of Action (October 1988)

88-37 Proposed Establishment of San Jose State University's Tri-County Center in Salinas. A Report to the Governor and Legislature in Response to a Request by the California State University for Funds to Create an Off-Campus Center to Serve Monterey, San Benito, and Santa Cruz Counties (October 1988)

88-38 Progress in Implementing the Recommendations of the Commission's 1987 Report on Strengthening Transfer and Articulation. A Staff Report to the California Postsecondary Education Commission (October 1988)

88-39 Proposition 98 -- The Classroom Instruction Improvement and Accountability Act. A Staff Analysis for the California Postsecondary Education Commission (October 1988)

88-40 The Fourth Segment. Accredited Independent Postsecondary Education in California. The Fifth in a Series of Reports on the Financial Condition of California's Regionally Accredited Independent Colleges and Universities (December 1988)

88-41 Beyond Assessment. Enhancing the Learning and Development of California's Changing Student Population. A Report in Response to the Higher Education Talent Development Act of 1987 (Assembly Bill 2016, Chapter 1296, Statutes of 1987) (December 1988)

88-42 The Role of the Commission in Achieving Educational Equity. A Declaration of Policy (December 1988)

88-43 Education Needs of California Firms for Trade in Pacific Rim Markets. A Staff Report to the California Postsecondary Education Commission (December 1988)

88-44 Progress on the Development of a Policy for Revenue Collected by the California State University Through Concurrent Enrollment. A Report to the Legislature in Response to Supplemental Language to the 1988-89 Budget Act (December 1988)

88-45 Prepaid College Tuition and Savings Bond Programs. A Staff Report to the California Postsecondary Education Commission (December 1988)

89-1 Legislative Priorities for the Commission, 1989. A Report of the California Postsecondary Education Commission (January 1989)

89-2 The Twentieth Campus. An Analysis of the California State University's Proposal to Establish a Full-Service Campus in the City of San Marcos in Northern San Diego County (January 1989)

89-3 Toward Educational Equity. Progress in Implementing the Goals of Assembly Concurrent Resolution 83 of 1984. A Report to the Legislature in Response to Assembly Bill 101 (Chapter 574, Statutes of 1987) (January 1989)

89-4 The Effectiveness of the Mathematics, Engineering, Science Achievement (MESA) Program's Administrative and Policy-Making Processes. A Report to the Legislature in Response to Assembly Bill 610 (1985) (January 1989)

89-5 Comments on the Community Colleges' Study of Students with Learning Disabilities. A Report to the Legislature in Response to Supplemental Report Language to the 1988 State Budget Act (January 1989)

89-6 Prospects for Postsecondary Enrollment to 2005. Report of the Executive Director to the California Postsecondary Education Commission, January 23, 1989 (January 1989)